



22783 U.S.PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|---------------------|---------------------------|
| Attorney Docket No. | 00025.04CON |
| First Inventor | Joshua D. RABINOWITZ |
| Title | DELIVERY OF ANALGESICS... |
| Express Mail Label | ER 447 856 485 US |

| | | | |
|--|--|--|---|
| APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents.</small> | | ADDRESS TO: <small>Mail Stop Patent Application Commissioner for Patents P. O. Box 1450 Alexandria VA 22313-1450</small> | |
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification <small>[Total Pages</small> 20 <small>]</small> <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings <i>(if filed)</i> - Detailed Description - Claim(s) - Abstract of the Disclosure </p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <small>[Total Sheets</small> 1 <small>]</small></p> <p>5. Oath or Declaration <small>[Total Pages</small> <small>]</small> <ul style="list-style-type: none"> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> <ul style="list-style-type: none"> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). </p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i></p> <p>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies </p> | | | |
| ACCOMPANYING APPLICATION PARTS | | | |
| <p>9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input checked="" type="checkbox"/> Power of Attorney</p> <p>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other:</p> | | | |
| <p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:</p> <p><input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 10/151,596</p> <p>Prior application information: Examiner Mina HAGHIGHATIAN Group / Art Unit: 1616</p> <p>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p> | | | |
| 19. CORRESPONDENCE ADDRESS | | | |
| <input checked="" type="checkbox"/> Customer Number: Elaine C. Stracker J.D., Ph.D. | | 37485 | |
| | | or <input type="checkbox"/> Correspondence address below | |
| Name | V.P. Intellectual Property | | |
| Address | Alexza Molecular Delivery Corporation | | |
| | 1001 E. Meadow Circle | | |
| City | Palo Alto | State | CA |
| Country | USA | Telephone | 650.687.3905 |
| Zip Code | | | 94303 |
| Fax | | | 650.687.3999 |
| Name (Print/Type) | Elaine C. Stracker J.D., Ph.D. | | Registration No. (Attorney/Agent) 43,166 |
| Signature | | | Date January 27, 2004 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

| Complete if Known | |
|----------------------|----------------------|
| Application Number | Not Yet Assigned |
| Filing Date | 01/27/04 |
| First Named Inventor | Joshua D. RABINOWITZ |
| Examiner Name | Not Yet Known |
| Art Unit | Not Yet Known |
| Attorney Docket No. | 00025.04CON |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number **502731**

Deposit Account Name **Alexza Molecular Delivery Corp.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|---------------|---------------|------------------------|---------------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | 385.00 |
| 1002 | 330 | 2002 | 165 | Design filing | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | (\$) | | \$385.00 | |

2. EXTRA CLAIM FEES FOR UTILITY AND

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|---------------|
| 18 | -20** = | 0 X 9.00 = | 0.00 |
| 6 | -3** = | 3 X 43.00 = | 129.00 |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description |
|--------------|--------------|---------------|---------------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$) | | \$129.00 |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------------|---------------|--|----------|
| 1051 | 130 | 2051 65 Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 25 Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 130 Non - English specification | |
| 1812 | 2,520 | 1812 2,520 For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 920* Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 1,840* Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 55 Extension for reply within first month | |
| 1252 | 410 | 2252 205 Extension for reply within second month | |
| 1253 | 930 | 2253 465 Extension for reply within third month | |
| 1254 | 1,450 | 2254 725 Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 985 Extension for reply within fifth month | |
| 1401 | 320 | 2401 160 Notice of Appeal | |
| 1402 | 320 | 2402 160 Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 140 Request for oral hearing | |
| 1451 | 1,510 | 1451 1,510 Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 55 Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 650 Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 650 Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 235 Design issue fee | |
| 1503 | 630 | 2503 315 Plant issue fee | |
| 1460 | 130 | 1460 130 Petitions to the Commissioner | |
| 1807 | 50 | 1807 50 Processing fee under 37 CFR § 1.17(q) | |
| 1806 | 180 | 1806 180 Submission of Information Disclosure Statement | |
| 8021 | 40 | 8021 40 Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 375 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 375 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 375 Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 900 Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

| | | | | | |
|-------------------|--------------------------------|--------------------------------------|--------|------------------|--------------|
| Name (Print/Type) | Elaine C. Stracker J.D., Ph.D. | Registration No. (Attorney/Agent) | 43,166 | Telephone | 650.687.3905 |
| Signature | | | Date | January 27, 2004 | |

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